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2009 JUN 24 A 8: 25

June 19, 2009

**SMART & BIGGAR**

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**Application No.** : **2,387,537**  
**Owner** : QUALCOMM INCORPORATED  
**Title** : **METHOD AND APPARATUS FOR PREDICTING FAVORED  
SUPPLEMENTAL CHANNEL TRANSMISSION SLOTS USING  
TRANSMISSION POWER MEASUREMENTS OF A  
FUNDAMENTAL CHANNEL**  
**Classification** : H04B 7/005 (2006.01)  
**Your File No.** : **74769-521**  
**Examiner** : Leah Smith

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on November 10, 2008.

The number of claims in this application is 22.

The examiner has identified the following defects in the application:

The search of the prior art has revealed the following:

References Applied:

United States Application

EP 887947 □ Dec. 30, 1998

Mimura

United States Patent

US8946356 □ Aug. 31, 1999

Felix et al

□ citation stemming from a foreign search report

Mimura discloses a method and apparatus for determining a dynamic transmission power on a first transmission channel and scheduling transmission on a second transmission channel as a function of the dynamic transmission power (fig. 3 and associated description).

Felix et al disclose a fundamental channel used for voice transmissions, and a supplemental channel used for data transmissions (col. 3, lines 17-37)

Claims 9, 11-15 do not comply with paragraph 28.2(1)(b) of the *Patent Act*. Mimura disclosed the claimed subject matter before the claim date.

Claims 5-7, 8, 10, 16 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to Mimura in view of Felix et al.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Leah Smith  
Patent Examiner  
819-956-9966  
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